



1 State Constitution as they relate to municipal and special  
2 district pension trust fund systems and plans, that such  
3 retirement systems or plans be managed, administered,  
4 operated, and funded in such manner as to maximize the  
5 protection of pension trust funds. Pursuant to Section 18,  
6 Article VII of the State Constitution, the Legislature  
7 determines and declares that this act fulfills an important  
8 state interest.

9           Section 2. Paragraph (b) of subsection (4) of section  
10 121.091, Florida Statutes, is amended to read:

11           121.091 Benefits payable under the system.--Benefits  
12 may not be paid under this section unless the member has  
13 terminated employment as provided in s. 121.021(39)(a) or  
14 begun participation in the Deferred Retirement Option Program  
15 as provided in subsection (13), and a proper application has  
16 been filed in the manner prescribed by the department. The  
17 department may cancel an application for retirement benefits  
18 when the member or beneficiary fails to timely provide the  
19 information and documents required by this chapter and the  
20 department's rules. The department shall adopt rules  
21 establishing procedures for application for retirement  
22 benefits and for the cancellation of such application when the  
23 required information or documents are not received.

24           (4) DISABILITY RETIREMENT BENEFIT.--

25           (b) Total and permanent disability.--A member shall be  
26 considered totally and permanently disabled if, in the opinion  
27 of the administrator, he or she is prevented, by reason of a  
28 medically determinable physical or mental impairment, from  
29 rendering useful and efficient service as an officer or  
30 employee. A Special Risk Class member who is an officer as  
31 defined in s. 943.10(1), (2), or (3); a firefighter as defined

1 in s. 633.30(1); an emergency medical technician as defined in  
2 s. 401.23(11); or a paramedic as defined in s. 401.23(17) who  
3 is catastrophically injured as defined in s. 121.091(4) in the  
4 line of duty shall be considered totally and permanently  
5 disabled and unable to render useful and efficient service as  
6 an officer, unless the administrator can provide documented  
7 competent medical evidence that the officer is able to render  
8 useful and efficient service as an officer. For purposes of  
9 this subsection, the term "officer" includes law enforcement  
10 officers, correctional officers, and correctional probation  
11 officers as defined in s. 943.10(1), (2), and (3) and  
12 firefighters, emergency medical technicians, and paramedics.

13 Section 3. Effective July 1, 2005, in order to fund  
14 the benefits provided in section 121.091, Florida Statutes, as  
15 amended by this act:

16 (1) The contribution rate that applies to the Special  
17 Risk Class of the defined benefit program of the Florida  
18 Retirement System shall be increased by 0.03 percentage  
19 points.

20 (2) The contribution rate that applies to the Special  
21 Risk Administrative Support Class of the defined benefit  
22 program of the Florida Retirement System shall be increased by  
23 0.20 percentage points.

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25 These increases shall be in addition to all other changes to  
26 such contribution rates which may be enacted into law to take  
27 effect on that date. The Division of Statutory Revision is  
28 directed to adjust accordingly the contribution rates set  
29 forth in section 121.71, Florida Statutes.

30 Section 4. This act shall take effect upon becoming a  
31 law.

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SENATE SUMMARY

Provides that, for retirement purposes, a law enforcement officer, correctional officer, correctional probation officer, firefighter, emergency medical technician, or paramedic who is catastrophically injured in the line of duty will be considered totally and permanently disabled unless another conclusion is documented by competent medical evidence.